



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 5, 2023

VIA ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Alexander Gulkarov, et al.,
22 Cr. 20 (PGG)

Dear Judge Gardephe:

Pursuant to the Court's individual rules, the Government writes to request a *Curcio* hearing for defendant Alexander Gulkarov prior to his change of plea in this matter. On October 4, 2023, Gulkarov's counsel filed a letter with the Court stating that Gulkarov's legal fees are being paid by, among others, "friends, and members of the community," without specifying who these individuals are. The Government's investigation is ongoing, and the Government is concerned that the "friends" and "members of the community" paying Gulkarov's legal fees include uncharged targets of the Government's investigation.

As the Court has noted, the payment of attorney's fees by a third party presents a potential conflict of interest. *See In re Grand Jury Subpoena*, 781 F.2d at 248 n.6 ("Accepting payment of clients' fees from a third party may subject an attorney to undesirable outside influence, particularly where the attorney is representing clients in criminal matters[] . . . and the third party is the head of a criminal enterprise of which the clients are members. In such a situation, an ethical question arises as to whether the attorney's loyalties are with the client or the payor."); *Moreno-Godoy v. United States*, 2014 WL 1088300, at *34 (S.D.N.Y. Mar. 20, 2014) (denying habeas petitioner's "claim that his conviction should be reversed because he was denied conflict-free representation in violation of the Sixth Amendment" because, though petitioner's codefendant advanced fees to petitioner's attorney, "to the extent that any potential conflict existed, it was knowingly and intelligently waived by [petitioner] at [a] *Curcio* hearing").

The Government accordingly respectfully requests that the Court hold a *Curcio* hearing prior to the change of plea hearing scheduled for October 11, 2024. The Government further requests that defense counsel disclose the names of the third-party payors of Gulkarov's

Attorney's fees so that the Government can meaningfully comment on whether a potential conflict of interest exists during the *Curcio* hearing.

Thank you for your consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
MATHEW ANDREWS
TIMOTHY CAPOZZI
RYAN ALLISON
Assistant United States Attorney
Tel. (212) 637-6526